

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015100704

v.

IRVINE UNIFIED SCHOOL DISTRICT,

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IRVINE UNIFIED SCHOOL DISTRICT,

OAH Case No. 2015100703

v.

PARENT ON BEHALF OF STUDENT.

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ORDER GRANTING MOTION TO  
CONSOLIDATE AND GRANTING  
MOTION TO CONTINUE

On October 14, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015100704 (Student's Case), naming Irvine Unified School District.

On October 19, 2015, District filed a Request for Due Process Hearing in OAH case number 2015100703 (District's Case), naming Student.

On October 29, 2015, the parties filed a joint Motion to Consolidate both cases and to continue the due process hearing.

*Consolidation*

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically involving District's February 2014 assessments. Accordingly, consolidation is granted.

*Continuance*

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

The parties' joint motion to continue the initially set dates in Student's case demonstrates good cause for a continuance, and is hereby granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. The parties' joint Motion to Continue is granted and all dates previously set in Student's and District's Cases are vacated. The Mediation in the consolidated cases shall be held on January 7, 2016, at 9:30 a.m., the Prehearing Conference in the consolidated cases shall be held on February 1, 2016, at 1:00p.m, and the Due Process Hearing in the consolidated cases shall be held on February 9 through 11, 2016, at 9:30 a.m. on the first day, and 9:00 a.m. thereafter. The matter is assigned to Administrative Law Judge Caroline Zuk.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015100704 (Student's Case).

DATE: October 29, 2015

/s/

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings